

REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, in light of the following remarks, are respectfully requested.

The indication of allowable subject matter is gratefully acknowledged, and the examiner's attention to this application is appreciated.

Amendments and Claim Objections

The title, abstract, and claim 8 have been amended as suggested by the examiner. Accordingly, the objections to claims 8 and 9 have been overcome.

Claim 5 has been further amended to recite that the connection between the lamp and the vehicle's electrical system is detachable (see specification at p. 4, ln. 16-17), and new claim 15 is directed to the embodiment shown in Fig. 2.

Rejections under 35 U.S.C. §103

The rejection of claims 5-9 as obvious over the combination of Swayne and Thomas is respectfully traversed.

The rejection states that Swayne discloses both a first electrical connection to a battery "as seen in Fig. 5" and a second electrical connection as reference number 37. This is a hypertechnical reading of the claims and the reference and is inaccurate. One of ordinary skill in the electrical arts would know that a lamp requires two wires for current to pass through the bulb, but that is not two electrical connections as recited in the claims when read in light of the specification. Claim 5 requires the two connections to be to a first connection to a first rechargeable battery and a second connection to the vehicle's electrical system having a "second" rechargeable battery, wherein the first rechargeable battery is not suitable as the "car battery."

The rejection acknowledges that Swayne does not show this second battery that is not suitable for a car battery, but contends that Thomas' disclosure of a rechargeable flashlight provides that element. Thomas does not show the lamp having a separate electrical connection to the vehicle's electrical system; there is a connection only to the battery (38)/charger (19) system. As shown in

Figs. 1-3, and especially Fig. 2, of Thomas, there is a single electrical connection from the lamp to the battery/charger system, and then a separate connection from the battery/charger system to the vehicle's electrical system. The lamp is connected to the batteries and to the charger, but there is no disclosure of a direct connection between the lamp and the vehicle's electrical system as recited in the present claims.

Swayne's "combined backing-up and trouble lamp" is not a "headlamp" as recited in the claims.

The combination of references is improper, and even if proper, does not render obvious the claimed invention. Thomas teaches providing a flashlight in a "convenient and readily accessible position" (col. 1, ln. 15-16), whereas a headlamp, or taillamp as in Swayne, is not in a readily accessible position to a passenger riding in the vehicle. The rejection does not explain how the combination would render obvious the rejected claims. The combination would suggest that the sheathed electrical connection (38) in Swayne would become unnecessary because Thomas teaches that the lamp/battery/charger assembly is removable without a connection (*i.e.*, infinitely portable). Swayne has addressed being able to operate the lamp in normal mode (*e.g.*, when the vehicle is in reverse) and as a trouble lamp (including use when the ignition is off; see col. 3, ln. 23-36) because of the direct connection to the vehicle's electrical system, and modifying Swayne with Thomas' structure means that the direct connection in Swayne is not necessary because the combination would eliminate the sheathed connector in favor of the removable and rechargeable battery/charger assembly in Thomas.

There is no reason or motivation for the combination of Swayne and Thomas to keep *both* the rechargeable battery/charger of Thomas and the direct electrical connection of Swayne. Thomas teaches use of a device only when removed from its charging holder. Because Swayne has a direct electrical connection to the battery, what is the motivation for adding rechargeable batteries, and then keeping both electrical connections? Such is hindsight reconstruction. Thomas teaches severing the electrical connection to the vehicle's electrics when the lamp/flashlight is removed from its mount, while

Swayne teaches maintaining that connection, and so the references teach away from each other and cannot be properly combined.

To further distinguish Thomas, claim 5 recites that the connection between the lamp and the vehicle's the first rechargeable battery be detachable when the lamp is used for emergency purposes. Swayne and Thomas teach away from each other because Swayne requires maintaining the electrical connection to the vehicle to light the lamp, whereas Thomas teaches separating the lamp from the vehicle's electronics. The combination fails to teach or even suggest a removable headlamp connected separately to two batteries, the connection to the vehicle's system being detachable when the lamp is used as an emergency light.

Further, new claim 15 also distinguishes this combination of references. In Thomas, the housing (headpiece 11 and body 12) includes the rechargeable battery, whereas in claim 15 the battery is outside of the housing (and attached to the car).

Accordingly, withdrawal of these rejections is now believed to be in order.

The examiner is invited to telephone the undersigned if it appears upon review of this response that any remaining issue can be resolved by a telephonic interview.